



REGULAR MEETING MINUTES

**Wednesday, August 26, 2015
Art Pick Council Chambers
3900 Main Street, Riverside, CA**

CASE REVIEW – 4:00 PM

Case Review Roll Call

Rotker	Hawkins	Ybarra	VACANT	Smith	Jackson	Roberts	Andres	Adams
✓	✓	✓	■	✓	✓	✓	✓	✓

✓ = Present **B** = Absent / Business **S** = Absent / Sick **V** = Absent / Vacation **O** = Absent / Other
UE = Absent / Unexcused **L** = Late **LE** = Left Early **■** = Vacant

STAFF: Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comment

This is an opportunity for members of the public to address the Commission on closed session items.

There were no public comments.

Closed Session – Case Review

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:32 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	CPRC CASE NO.	RPD CASE NO.
1)	14-034	PC-14-10046
2)	14-035	PC-14-11050
3)	14-036	PC-14-12054

The Commission recessed at 5:30 PM to reconvene in the Regular Meeting.

REGULAR MEETING – 5:30 PM

PLEDGE OF ALLEGIANCE

Regular Meeting Roll Call

Rotker	Hawkins	Ybarra	VACANT	Smith	Jackson	Roberts	Andres	Adams
✓	✓	✓	■	✓	✓	✓	✓	✓

✓ = Present **B** = Absent / Business **S** = Absent / Sick **V** = Absent / Vacation **O** = Absent / Other
UE = Absent / Unexcused **L** = Late **LE** = Left Early **■** = Vacant

STAFF: Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

'Thank You' Presentation

'Thank You' to Commissioner Bobby Taylor for his service to the City of Riverside as a CPRC Commissioner from 2013 to 2015.

Mr. Hauptmann thanked Commissioner Taylor for his service to Riverside. He said it was a tremendous loss that the Commission was losing Commissioner Taylor because he was moving out of state. Mr. Hauptmann then presented Commissioner Taylor with a gift commemorating his service with the Commission.

Public Comments

Public comment on any subject matter within the Commission's jurisdiction.

Mr. Hauptmann introduced Abel Huerta, the new Commissioner for Ward 7. Commissioner Huerta said he looked forward to his service on the Commission.

Paul Chavez spoke about the Jimenez OID, saying he was worried about the prejudgment made by Commission during the July meeting.

Deborah Wong commented on the Jimenez OID noting that the independent investigator had no independent or community witnesses and that these witnesses should be sought. She suggested that the Commission have a broader range of independent investigators and that community witnesses be pursued more strategically in certain neighborhoods. She asked that the Commission consider using investigators of different ethnicities, genders, and language skills, or a pair of investigators with the example of one being Latino and the other being white.

Bob Garcia invited Commissioners to several Casa Blanca community meetings and events:

- September 2, 5:30 PM, Casa Blanca Library
- Community Action Group, September 9, 7 – 9 PM, Villegas Community Center
- Recognition of Glen and Mary Ayala, September 23, 6 – 9 PM, Villegas Community Center and Gym
- Baby Boomers Bash, October 25, 4 - 9 PM. Dinner tickets are \$20; \$200 for a table of 10. Tickets for dance only are \$15, and event T-shirts are also \$15.

Approval of Minutes

Minutes for Approval:		July 22, 2015 Regular Meeting	
Motion:	Ybarra	Approve:	Rotker, Hawkins, Ybarra, Smith, Jackson, Andres, Roberts, Adams
Second:	Hawkins	Oppose:	None
		Abstain:	None

OFFICER-INVOLVED DEATH (OID) CASE EVALUATIONS

Jimenez Officer-Involved Death (OID) Case Evaluation

Continue discussion and action, if any, on the Jimenez OID Case Evaluation. The Commission may return to discussion of completed Stages, if needed.

- A)** Stage I – Commission Member Review: Complete
- B)** Stage II – Fact Finding, Request for Training & Investigation: Complete
- C)** Stage III – Policy and Procedure Process: In Process
- D)** Stage IV – Deliberation and Finding Process: In Process
- E)** Stage V – Recommendation Process
- F)** Stage VI – Written Public Report

Chair Jackson opened by calling for public comments.

Deborah Wong:

- Called for alternative responses by officers:
 - 1) The case speaks to issues regarding officers, their interaction with the mentally ill, and the argument for more mental health clinicians.
 - 2) Tactical issues: How decisions were made on scene and why things weren't slowed down.
 - 3) RCPA's disappointment that so many Commissioners had already made a decision regarding this case. They felt Commissioners should not have made their decisions so early in the review process.

Robert Melsh:

- The situation was one of chaos. The sergeant could have slowed the situation down and calmed down the family.
- Too quick an escalation from less-lethal to lethal.
- Too many officers on the scene. Why?
- Challenged Commissioners to look at the behavior of the officers and the condition of Mr. Jimenez and asked them to reconsider their opinions concerning this case.

Shera McDonald:

- There was such a rush by officers to come to a resolution.
- The lieutenant [sic] was trying to calm him down, but the officers didn't follow suit. He should have been giving orders.
- There was inadequate communication Officer Larkey was concerned about others in house, but those who had been in the house were gone.
- Many rounds or fragments hit the house and broke a window. The shooting would have been lethal to anyone in house.

Linda Dunn:

- Officers should have known from the beginning that Mr. Jimenez was suicidal.
- Toussaint was on-scene as the supervisor; Tab 46.
- Toussaint was negotiating, was not holding a weapon, and told the officer with the Taser to get into position, but then 15 rounds are fired; Tab 62.
- How were the officers staged? A half circle? 3/4 of a circle?
- How many of the officers knew Toussaint was in charge?
- Were any officers at risk of being hit by crossfire?
- Was less-lethal used per the standard?

Michael Dunn:

- Incident was a fatally flawed tactical situation that resulted in a death.
- The Commission should criticize the tactics and make the Department think about it.
- There were too many officers in the small yard.
- The less-lethal options failed partly because of space.
- The officers were there to serve and protect, but they failed.

Christina Duran:

- Looked into the use of the canine and reviewed the K-9 policy.
- Heard that the sergeant on-scene had said they didn't want the dog to be injured. How do you weigh a trained K9 against a suicidal person? Believe that a dog that has been trained to take down suspects should have been used.
- There was no use of the Taser.
- There is no policy regarding use of the less-lethal shotgun and suggested a review of the K9 policy regarding the dog's use and also the less-lethal weapons.

Paul Chavez:

- The Press-Enterprise interviewed the daughter. Why didn't the investigator interview her?
- Why did the officer with the Taser jump the fence instead of walking around?
- There was no explanation as to why the bullets were shot in a downward position.
- Many things need to be clarified.
- Officers had training on how to deal with the mentally ill.
- The problem was relating to how quickly everything happened.

Chair Jackson noted that Tasers were not carried by all officers at the time of this incident. The mental health aspect of this incident caused the Commission to get involved in the mental health arena. She then opened for Commission discussion.

Commissioner Smith:

- Appreciated suggestions that the officers' priority should be to slow things down when approaching someone known to have mental health issues.
- This suggestion could result in a recommendation.

Vice-Chair Adams:

- By the time all the officers responded to the 911 call, there were eight officers on-scene. The sergeant should have told at least half of the officers to leave.
- Time was taken to determine that a less-lethal weapon was needed. Two officers verified that the less-lethal shotgun was being loaded appropriately. Why couldn't this time have also been used to develop a plan of action? Couldn't a plan of action have been developed before they approached Mr. Jimenez?
- Mr. Jimenez was sitting on the bench. What was so urgent that required most of them to jump the fence to enter the scene? They had the opportunity to slow things down by calmly approaching Mr. Jimenez and having one spokesperson from the start.
- When Mr. Jimenez said he was going to move in the direction of Officers Kauk and Childers, why didn't they move back to give him room to do that? Officer Outlaw would have then had the

opportunity to use the less-lethal weapon.

- Why didn't Officer Outlaw discharge the less-lethal weapon when Mr. Jimenez dropped the knife? According to Policy 305, he could do this after announcing his intent to use the weapon and without needing orders from the sergeant.
- A knife is a lethal weapon, but officers were given verbal and non-verbal notice by Mr. Jimenez that he planned to move in the direction in which he began to move. At a distance of 15' to 20' away, the officers had the opportunity to take action to avoid a physical confrontation with Mr. Jimenez.
- A Taser, a canine, and a less-lethal shotgun were on-scene at the time Mr. Jimenez stood up. It seems that one of these could have been used to disarm Mr. Jimenez rather than kill him.
- Based on these concerns, I believe the officers' actions were not within policy when they discharged their weapons.
- Hope that RPD has taken step to avoid future incidents of this kind by providing training to sergeants on taking command of a situation and to officers on dealing with mental health issues.
- Believe there were many opportunities for this death to have been avoided and that the appropriate policies are in place. However, the officers entered the scene without deciding how best to handle the situation. If someone had taken command of the incident, limited the number of officers involved, and appropriately used the less-lethal options available, the situation could have been avoided.

Commissioner Ybarra:

- It was a tragic event no matter which side of the issues you're on.
- RCPA has valid opinions; mine is different. The day started when Mr. Jimenez was released from the hospital. Why didn't the family intercede when Mr. Jimenez started drinking?
- The sergeant wasn't escalating the incident. What accelerated the incident was when Mr. Jimenez moved toward the officers with the knife. The Commission has pushed for slowing things down.
- Too many officers? We don't know. If a person wants to push for acceleration, they will. The cry to slow things down can cause problems.
- The escalation was because of Mr. Jimenez' actions.

Commissioner Roberts:

- Agree with both Vice-Chair Adams and Commissioner Ybarra in some respects.
- There was too much confusion due to too many officers.
- The officers did what they felt they had to do when Mr. Jimenez lunged at them.

Commissioner Andres:

- Agree with Commissioner Ybarra that officers would have been there all night if Mr. Jimenez hadn't lunged at them.

Chair Jackson:

- There is a huge difference when actually going to the scene of the incident.
- The sergeant should have taken control of scene and let someone else be the negotiator.
- The tactics weren't good, but officers have the right to defend themselves.
- Want to hear open-ended questions during investigation interviews. The detectives were putting words in the officers' mouths.
- Can't find the officers' actions out of policy if they're protecting themselves.
- Seeing the actual scene made her re-evaluate things. The officers didn't know if family members were still in house and that's probably why officers were in the yard.
- Believe the officers' actions to be within policy.
- All officers also carry Tasers now.
- Hope that officers have learned to slow things down through their mental health training.

Commissioner Rotker:

- Where is the tox report?
 - Mr. Hauptmann said it had been received.
- The Commission has to determine what was happening with officers.
- The sergeant had every intention for less-lethal weapons to be used and had asked that Taser be

used. The Taser was in the process of being used when lethal weapons were fired.

- Tactics need to be separated from the reasonableness of the officers' actions.
 - Chair Jackson advised that the tox report was in Tab 63.

After some additional brief comments, Chair Jackson asked Commissioners if they wanted more time to review the case. As there were no comments, she asked if they were ready to make finding.

Motion for Approval:		That the actions of the involved officers in the Jimenez OID were Within Policy	
Motion:	Ybarra	Approve:	Rotker, Hawkins, Ybarra, Smith, Jackson, Roberts, Andres
Second:	Roberts	Oppose:	Adams
		Abstain:	None

Chair Jackson advised community members that their comments and concerns were heard and that the Commission would try to address those concerns in order to have a similar incident avoided in the future. All officers now carry Tasers and all officers now receive extensive mental health training. Commissioners also expressed their concerns which will come out in the form of recommendations or further discussion.

Hayes Officer-Involved Death (OID) Case Evaluation

Continue discussion and action, if any, on the Hayes OID Case Evaluation. The Commission may return to discussion of completed Stages, if needed.

- A) Stage I – Commission Member Review: In Process
- B) Stage II – Fact Finding, Request for Training & Investigation: In Process
- C) Stage III – Policy and Procedure Process
- D) Stage IV – Deliberation and Finding Process
- E) Stage V – Recommendation Process
- F) Stage VI – Written Public Report

Chair Jackson opened by asking for the approval of the Fact Sheet.

Motion for Approval:		That the Fact Sheet for the Hayes OID be accepted.	
Motion:	Adams	Approve:	Rotker, Hawkins, Ybarra, Smith, Jackson, Roberts, Andres, Adams
Second:	Ybarra	Oppose:	None
		Abstain:	None

Commissioner Smith said he felt this to be a straight-forward case.

Chair Jackson asked Commissioners to submit their rationales by the next meeting.

COMMISSION ACTIVITY REPORTS

CPRC Ad-hoc Committees

Reports from Committee Chairs, with Commission discussion and action, if any, regarding respective Committee activities and / or recommendations:

- A) Policies, Procedures, and Bylaws Committee: Commissioner Rotker – Chair
- B) Outreach Committee: Vice-Chair Adams – Chair
- C) NACOLE 2015 Conference Planning Committee: Commissioner Roberts – Chair

A) Policies, Procedures, and Bylaws Committee

Commissioner Rotker reported on the progress of the Policies and Procedures during the previous agenda item.

Commissioner Rotker advised that the Policies and Procedures update had been completed and that the final draft was ready for the Commission's consideration under Item 14.

B) Outreach Committee

Vice-Chair Adams:

- Met on August 14th and reviewed the PowerPoint revision that was sent to Commissioners for their review.
- Will meet on September 14th to finalize the PowerPoint.
- Have spoken to high schools regarding presentations for this school year.
- Return comments and suggestions to Ms. Sherron by Friday, August 28th.

C) NACOLE 2015 Conference Planning Committee

Chair Jackson:

- Will have a local committee meeting in September.
- NACOLE has asked for significant levels of volunteering from Commissioners.
- Commission has also been asked to have a CPRC / Riverside table during conference.

Commissioner Rotker asked about an itinerary for the volunteer needs. Chair Jackson said that Vice-Chair Adams would be handling that assignment.

Meetings and Training Sessions

Reports from Commissioners on meetings and / or training sessions attended in July / August.

Commissioner Smith:

- July 23 – Outreach Committee Meeting
- August 14 – Outreach Committee Meeting

Mr. Hauptmann:

- August 14 – Meeting with Chair Jackson and Vice-Chair Adams

Ms. Sherron:

- July 23 – Outreach Committee Meeting
- August 14 – Outreach Committee Meeting
- August 14 – NACOLE Local Mini-Meeting with Chair Jackson

Chair Jackson:

- August 6 – NACOLE Scholarship Meeting
- August 10 – NACOLE Planning Meeting
- August 14 – Outreach Committee Meeting
- August 14 – Meeting with Vice-Chair Adams and Mr. Hauptmann
- August 14 – NACOLE Local Mini-Meeting with Ms. Sherron
- August 20 – NACOLE Meeting with Cameron McElhiney

Commissioner Andres:

- July 23 – Outreach Committee Meeting
- August 14 – Outreach Committee Meeting

Vice-Chair Adams:

- July 23 – Outreach Committee Meeting
- August 14 – Outreach Committee Meeting
- August 14 – Meeting with Chair Jackson and Mr. Hauptmann

Outreach

A) July / August Outreach

Reports from Commissioners regarding community meetings or events which they attended.

Commissioner Smith:

- August 24 – Eastside Reconciliation Coalition Meeting and Graduation Ceremony for the Summer Youth Career Development Program

Ms. Sherron:

- August 4 – National Night Out

Commissioner Andres:

- July 7 – Mayor's Night Out at La Sierra Park
- July 13 – RRR meeting at Magnolia Station

Commissioner Rotker:

- RPD Ride-Along
- Ward 5 Annual BBQ at Hunt Park

Vice-Chair Adams:

- August 4 – National Night Out

B) Scheduled Outreach Events

Vice-Chair Adams asked if there were any scheduled Outreach events to report. Ms. Sherron said that Dr. Thompson had called to schedule this semester's CPRC presentation to his Community Relations class. Ms. Sherron said she would send Commissioners an e-mail containing information regarding potential dates and class start time.

C) Future Outreach Opportunities

- 1) 4th Annual Golden Badge Awards, Saturday, September 12th at 5:30 PM, Riverside Convention Center
- 2) Input from Outreach Coordinator on upcoming outreach events
- 3) Input from Commission Members on potential outreach events

Vice-Chair Adams commented on the following upcoming events:

- Golden Badge Awards
- Casa Blanca events noted by Bob Garcia
- Community Health Fair events in October

Staff Report

Mr. Hauptmann:

- Noted that NACOLE will soon be here and he thanked Chair Jackson for all her hard work.
- Welcomed Mr. Huerta to the Commission.
- Told the Commission that his contract had been updated for another three years.
- Advised that the additional less-lethal training would be held in September on a Tuesday at 9 AM or a Friday at 6 PM.

Vice-Chair Adams asked about RPD ride-alongs for NACOLE Conference attendees. Mr. Hauptmann said he would talk to Asst. Chief Vicino about it.

OLD BUSINESS

Revisions to CPRC Policies and Procedures

Continue discussion and action, if any, on the document-wide revisions to the CPRC Policies and Procedures.

Commissioner Rotker said there was a change that had been suggested by the Outreach Committee. Commissioner Rotker asked Vice-Chair Adams to inform the Commission of the changes.

Vice-Chair Adams noted the following changes to the Outreach Section:

- Under Community Police Review Commission Efforts, #2, the following sentence was added:
 - At Outreach events, Commissioners should accept comments regarding the quality of RPD and CPRC.
- Add a #4 under this section:
 - Commissioners should complete the Outreach Activity Log Form and submit to the CPRC Office within five days of attending an Outreach event.

Vice-Chair Adams also commented on the purpose of the Outreach Activity Log Form and the online Outreach Activity Table.

Commissioner Rotker noted that the Committee had a couple of concerns from a legal standpoint. After the meeting with the City Attorney's Office, additional changes may need to be made to the document the Commission might approve during this meeting.

Motion for Approval:		That Policies & Procedures, v2b, be approved as amended.	
Motion:	Rotker	Approve:	Rotker, Hawkins, Ybarra, Smith, Jackson, Roberts, Andres, Adams
Second:	Adams	Oppose:	None
		Abstain:	None

Commissioner Rotker thanked the Committee for its hard work. He also recommended that a staggered bi-annual review be made of the Policies and Procedures and Bylaws.

NEW BUSINESS

Outreach Presentation and Activity Items

Discussion and action, if any, on

- A) Outreach activity table and activity log form
- B) Outreach PowerPoint for CPRC presentations

Chair Jackson asked Vice-Chair Adams if she had anything additional to note. Vice-Chair Adams said that the PowerPoint would be finalized once all input had been received and that they hoped to have it ready for use during the presentations in the high school government classes.

Annual Review of the City's Code of Ethics

Discussion and action, if any, on recommendations or inclusion of new values or procedures in the City's Code of Ethics for elected officials and members of appointed boards, commissions, and committees. Per Resolution No. 22461, the Mayor, City Manager, City Attorney, and the Chairs of all Boards and Commissions will meet with the Governmental Affairs Committee for the required annual review of the City's Code of Ethics. This meeting will be held on September 2, 2015, at 3:30 PM in the Art Pick Council Chamber. The City Council's public hearing on the resultant report is scheduled for September 22, 2015, at 7 PM in the Art Pick Council Chamber.

Chair Jackson asked Commissioners to review the Code of Ethics and get their input to her by Monday, August 31st.

Commissioner Comments

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

There were no Commissioner comments.

Items for Future Commission Consideration

Items for future Commission consideration can be agendized by any Commissioner. Discussion and action, if any, will occur only during the meeting for which that item has been agendized.

Chair Jackson:

- asked Commissioners to continue review of the Jimenez OID
 - asked Commissioner to send separate recommendations to Staff.
 - asked Mr. Hauptmann to begin drafting the public report.
- asked Commissioners to submit their rationales for the Hayes OID
- noted that Vice-Chair Adams needed the PowerPoint reviewed by August 28th.
- needed input on the Code of Ethics by August 31st.

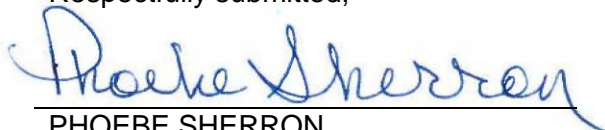
Commissioner Roberts asked that the diversity of investigators be agendized for discussion at the next meeting.

Commissioner Rotker asked if Commissioners would be able to review the various recommendations prior to discussion and vote. Chair Jackson said Commissioners only had to take the recommendations noted in their rationales and submit them to Ms. Sherron to organize all of them by type. Chair Jackson asked Commissioners to submit their recommendations by September 9th.

Adjournment

The Commission adjourned at 7:53 PM.

Respectfully submitted,



PHOEBE SHERRON
Administrative Assistant

08-26-15 Minutes – August Regular